



PLANNING, BUILDING AND CODE ENFORCEMENT
200 E. SANTA CLARA STREET • SAN JOSE, CA 95113

PLANNING COMMISSION STAFF REPORT

File Nos.	C14-016, C14-017, C14-018, C14-019
Applicant:	Successor Agency to the Redevelopment Agency of the City of San José (Richard Keit)
Location	<p><u>C14-016:</u> Southwest corner of W. San Fernando Street and S. Montgomery Street;</p> <p><u>C14-017:</u> Southeast corner of W. San Fernando Street and S. Montgomery Street;</p> <p><u>C14-018:</u> Area bounded by S. Montgomery Street and S. Autumn Street, approximately 350 feet north of Park Avenue; and</p> <p><u>C14-019:</u> Northwest corner of S. Montgomery Street and Park Avenue</p>
Assessor Parcel Numbers (APNs)	261-35-003; 259-48-011; 259-48-053; and 261-35-014
Existing General Plan	Public/Quasi-Public
Existing Zoning	LI - Light Industrial
Annexation Date:	March 16, 1911
CEQA:	Determination of Consistency with the Envision San José 2040 General Plan EIR and Diridon Station Area Plan EIR's

APPLICATION SUMMARY: Conforming rezonings from LI-Light Industrial Zoning District to the PQP-Public/Quasi-Public Zoning District to allow publicly serving uses on four (4) sites, with a total of 4.87 gross acres.

RECOMMENDATION:

Staff recommends that the Planning Commission **Recommend Approval** of the Conforming Rezonings.

PROJECT DATA

GENERAL PLAN CONSISTENCY			
General Plan Designation		Public / Quasi-Public <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	
Consistent Policies		Land Use Policies: LU-3.1, LU-1.8 Implementation Policy: IP-8.2	
Inconsistent Policies		NA	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Commercial Downtown	Light Industrial	Parking and vacant lots
South	Open Space, Parklands and Habitat	Light Industrial	San José Fire Training Facility
East	Public/Quasi-Public	Light Industrial & Commercial General	Autumn Street and Los Gatos Creek
West	Public/Quasi-Public	Light Industrial	PG&E Substation and CalTrain Tracks

PROJECT DESCRIPTION

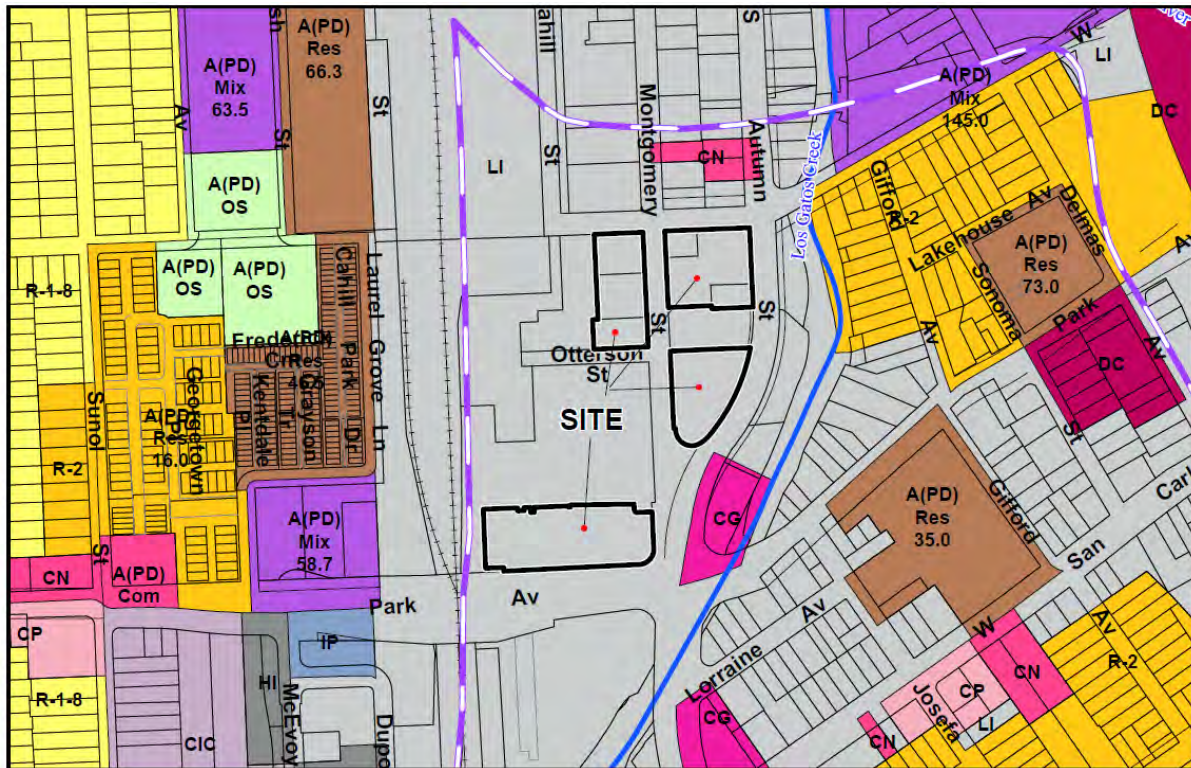
This proposal includes four Planning Director initiated rezonings to reflect the existing and/or planned public/quasi-public use of the properties currently owned by the Successor Agency to the Redevelopment Agency. The proposed rezonings are consistent with the Successor Agency's Long Range Property Management Plan (LRPMP) that governs the parcels. Pursuant to State Assembly Bill 1484 (AB 1484), all successor agencies are required to develop a Long Range Property Management Plan that governs the disposition and use of the former Redevelopment Agency properties.

The Successor Agency intends to retain the subject properties for the future development of a Major League Baseball Stadium. Should the Stadium not be developed, the Successor Agency would either sell the property or retain the property for future development consistent with the Diridon Station Area Plan.

The Public/Quasi-Public (PQP) Zoning District accommodates a variety of public and/or private land uses such as, public or private schools, daycares, and community gathering facilities, such as religious assembly and stadiums. The appropriate intensity of development can vary considerably depending on potential impacts on surrounding uses and the particular public/quasi-public use developed on a site. Any future development would be analyzed for compatibility with surrounding uses through a development permit.



Ballpark rendering and aerial image of surrounding properties



Zoning Map of Site and Adjacent Parcels

ANALYSIS

Envision San José 2040 General Plan Conformance

The proposed rezonings are consistent with the Envision San José 2040 General Plan. The subject site is located within the Diridon Station Area Urban Village, which is also within the boundary of the Downtown Core; the Diridon Land Use Plan designates the site as Public/Quasi-Public. The location of publicly serving uses in the Downtown Core supports Major Strategy #9-Destination Downtown, which supports continued growth in the City's cultural center. In addition, the proposed rezoning is also consistent with the following General Plan Policies:

- **Land Use Policy LU-3.1:** Provide maximum flexibility in mixing uses throughout the Downtown Area. Support intensive employment, entertainment, cultural, public/quasi-public, and residential uses in compact, intensive forms to maximize social interaction; to serve as a focal point for residents, businesses, and visitors; and to further the Vision of the Envision General Plan.

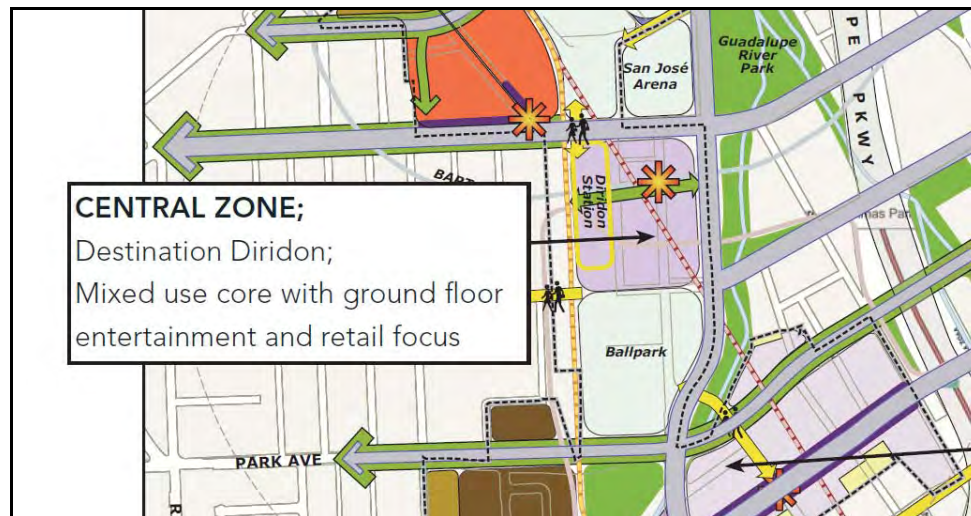
Analysis: The subject sites are located within the boundary of the Downtown Core. Rezoning the subject sites will allow and encourage publicly serving uses to develop consistent with this policy.

- **Land Use Policy LU-1.8:** Preserve existing Public/Quasi-Public lands in order to maintain an inventory of sites suitable for Private Community Gathering Facilities, particularly within the Residential Neighborhoods, Urban Villages and commercial areas, and to reduce the potential conversion of employment lands to non-employment use.

Analysis: The sites are designated for Public/Quasi-Public uses within the Central Zone of the Diridon Station Area Plan. The rezonings will add to the inventory of sites available for public/quasi-public uses in the Diridon Station Area Urban Village consistent with this policy.

- **Implementation Policy IP- 8.2:** Use the City's conventional zoning districts, contained in its Zoning Ordinance, to implement the Envision San Jose 2040 General Plan Land Use / Transportation Diagram. The various ranges of allowed use and development intensity correspond generally to the respective Envision General Plan land use designations, while providing greater detail as to the appropriate land uses and form of development.

Analysis: The rezonings are consistent with the land use designation of Public/Quasi-Public within the Diridon Station Area Urban Village.



Diridon Station Area Urban Village Land Use Plan

Diridon Station Area Urban Village Plan Conformance

The Diridon Station Area Urban Village Plan establishes a mix of vibrant uses and districts that build off of the synergy and activity of the San José Arena, the proposed future Ballpark, and an expanded Diridon Station. Employment, retail, and entertainment uses are focused at the Diridon Station core to support transit activity and establish the area as a region wide destination. The subject sites are a part of the area designated for the location of a potential future Ballpark.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to or in furtherance of the Final Program Environmental Impact Report (EIR) for the Diridon Station Area Plan, EIR Resolution No. 77096 and the Envision San José 2040 General Plan, EIR Resolution No. 76041, as addended. Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the Diridon Station Area Plan Program and the Envision San José 2040 General Plan Program approved previously. The Final Program EIRs for the Diridon Station Area Plan for which findings were adopted by City Council Resolution No. 77096 on June 17, 2014, and the Envision San José 2040 General Plan for which findings were adopted by City Council Resolution No.


76041 on November 1, 2011, adequately describe the activity for the purposes of CEQA. The project does not involve new significant effects beyond those analyzed in these Final EIRs. Therefore, the City of San José may take action on the project as being within the scope of the Final Program EIRs, File Nos. PPO09-011 and PPO09-163.

PUBLIC HEARING NOTIFICATION

- ☐ **Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
(Required: Website Posting)
- ☐ **Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City.
(Required: E-mail and Website Posting)
- ☐ **Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. (Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)

Although this item does not meet any of the criteria above, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

Project Manager: John Tu

Approved by:  , Division Manager for Harry Freitas, Planning Director

Date: 8/5/14

Attachments:

Exhibit A: Draft Ordinances

Owner:	Applicant:
Successor Agency to the Redevelopment Agency of the City of San José	Director of Planning, Building, and Code Enforcement

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE SOUTHWEST CORNER OF WEST SAN FERNANDO STREET AND SOUTH MONTGOMERY STREET ON A 1.00 GROSS-ACRE SITE (105 SOUTH MONTGOMERY STREET) FROM THE LI LIGHT INDUSTRIAL ZONING DISTRICT TO THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, pursuant to Section 15168 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines), the City of San Jose has determined that the proposed rezoning is pursuant to or in furtherance of the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan, which was previously certified, approved and adopted by the City Council, and for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011; and

WHEREAS, the Council is the decision-making body for the proposed subject rezoning to the DC Downtown Primary Commercial Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves the information contained in the Envision San José 2040 General Plan Final Program EIR, and has determined that the subject rezoning does not involve new significant effects beyond those analyzed in the EIR, all prior to acting upon or approving the subject rezoning;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as PQP Public/Quasi-Public Zoning District.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. C13-042 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this _____ day of _____, 2014 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

ATTEST:

CHUCK REED
Mayor

TONI J. TABER, CMC
City Clerk

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON SOUTHEAST CORNER OF WEST SAN FERNANDO STREET AND SOUTH MONTGOMERY STREET ON A 1.25 GROSS-ACRE SITE (510 WEST SAN FERNANDO STREET) FROM THE LI LIGHT INDUSTRIAL ZONING DISTRICT TO THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, pursuant to Section 15168 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines), the City of San Jose has determined that the proposed rezoning is pursuant to or in furtherance of the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan, which was previously certified, approved and adopted by the City Council, and for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011; and

WHEREAS, the Council is the decision-making body for the proposed subject rezoning to the DC Downtown Primary Commercial Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves the information contained in the Envision San José 2040 General Plan Final Program EIR, and has determined that the subject rezoning does not involve new significant effects beyond those analyzed in the EIR, all prior to acting upon or approving the subject rezoning;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as PQP Public/Quasi-Public Zoning District.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. C13-042 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this ____ day of _____, 2014 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY BOUNDED BY SOUTH MONTGOMERY STREET AND SOUTH AUTUMN STREET, APPROXIMATELY 350 FEET NORTH OF PARK AVENUE ON A 1.01 GROSS-ACRE SITE (150 SOUTH MONTGOMERY STREET) FROM THE LI LIGHT INDUSTRIAL ZONING DISTRICT TO THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, pursuant to Section 15168 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines), the City of San Jose has determined that the proposed rezoning is pursuant to or in furtherance of the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan, which was previously certified, approved and adopted by the City Council, and for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011; and

WHEREAS, the Council is the decision-making body for the proposed subject rezoning to the DC Downtown Primary Commercial Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves the information contained in the Envision San José 2040 General Plan Final Program EIR, and has determined that the subject rezoning does not involve new significant effects beyond those analyzed in the EIR, all prior to acting upon or approving the subject rezoning;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as PQP Public/Quasi-Public Zoning District.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. C13-042 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this _____ day of _____, 2014 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

ATTEST:

CHUCK REED
Mayor

TONI J. TABER, CMC
City Clerk

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE NORTHEAST CORNER OF SOUTH MONTGOMERY STREET AND PARK AVENUE ON A 1.61 GROSS-ACRE SITE (645 PARK AVENUE) FROM THE LI LIGHT INDUSTRIAL ZONING DISTRICT TO THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, pursuant to Section 15168 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines), the City of San Jose has determined that the proposed rezoning is pursuant to or in furtherance of the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan, which was previously certified, approved and adopted by the City Council, and for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011; and

WHEREAS, the Council is the decision-making body for the proposed subject rezoning to the DC Downtown Primary Commercial Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves the information contained in the Envision San José 2040 General Plan Final Program EIR, and has determined that the subject rezoning does not involve new significant effects beyond those analyzed in the EIR, all prior to acting upon or approving the subject rezoning;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as PQP Public/Quasi-Public Zoning District.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. C13-042 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this ____ day of _____, 2014 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk